

EXPRESS MAIL EL631611057US

BOX REISSUE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re : Reissue Patent Application :
: of Robert A. Vito for :
: U.S. Patent 5,881,587 : Previous Examiner: Suzanne D. Barrett
:
Serial No. : Not Yet Assigned : Previous Group Art Unit: 3627
:
Filed : Herewith :
:
For : ANTI-THEFT BRAKE : Attorney Docket No.
: OR CLUTCH LOCKING : 10332-1R2
: DEVICE

DECLARATION OF ROBERT A. VITO UNDER 37 C.F.R. § 1.175(a)

I, Robert A. Vito, hereby declare and state as follows:

1. I believe I am the original, first and sole inventor of the subject matter which is claimed in U.S. Letters Patent Number 5,881,587 (the '587 patent), granted March 16, 1999, and for which I solicit a reissue patent, an application for which is attached.

2. I hereby state that I have reviewed and understand the contents of the '587 patent, including the claims, as amended by the Preliminary Amendment filed herewith.

3. I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

4. I verily believe the '587 patent to be wholly or partially inoperative or invalid, by reason of the patentee claiming less than he had the right to claim in the patent. At least one excess or insufficiency in the claims is specified below.

5. One error was the failure to maintain any claims in the patent like new claims 14-35 and amended claims 9-11 and 13, which are broader in scope than the originally issued claims. Applicant hereby indicates his intent to broaden the claims in this reissue application.

6. Another error is the existence of several antecedent basis errors in patent claims 1, 6, 9, and 13. Specifically, in claim 1, the following words lack proper antecedent basis, "pedal", line 1; "floorboard", line 3; "space", line 8; and "underside", line 12. In claim 6, the following words lack proper antecedent basis, "brake", line 1; "floorboard", line 3; "space", line 9; and "underside", line 17. In claim 9, the following words lack proper antecedent basis, "brake", line 1; "floorboard", line 4; "space", line 8; and "underside", line 16. The terminology "collinearly with said slot" has been deleted because the cylindrical opening is not colinear with the slot. In claim 13, the following words lack proper antecedent basis, "brake", line 1; "floorboard", line 3; "space", line 8; and "underside", line 19. The terminology "collinearly with said slot" has been deleted because the cylindrical opening is not colinear with the slot.

7. Support for the amendment to claims 1, 4-6, 9-11 and new claims 14-35 reside in the description at column 3, line 65 to column 5, line 62, and Figures 1-7.

8. All errors sought to be corrected in this reissue application up to the time of filing this declaration arose without any deceptive intention on my part.

9. A Certificate of Correction for the '587 patent is attached.

10. I have not assigned the '587 patent to any other entity.

11. And I hereby appoint the registered attorneys and agents associated with Akin, Gump, Strauss, Hauer & Feld, L.L.P., Customer No. 000570, as my attorneys or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

12. Address all correspondence to **Customer No. 000570, namely, Akin, Gump, Strauss, Hauer & Feld, L.L.P.**, One Commerce Square, 2005 Market Street, Suite 2200, Philadelphia, Pennsylvania 19103-7086. Please direct all communications and telephone calls to **Martin G. Belisario** at (215) 965-1303.

I HEREBY DECLARE that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 3/15/01


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Citizenship: